

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2250

AN ACT

AMENDING SECTION 28-2351, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 1; AMENDING SECTION 28-2403, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 2; AMENDING SECTION 28-2404, ARIZONA REVISED STATUTES; AMENDING SECTION 28-2405, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 3; AMENDING SECTION 28-2409, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2433; AMENDING SECTION 28-6501, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 5; AMENDING SECTION 28-6991, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 6; AMENDING SECTION 28-6993, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 93, SECTION 7; RELATING TO SPECIAL LICENSE PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, as amended by
3 Laws 2008, chapter 93, section 1, is amended to read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for
6 each vehicle registered. At the request of the owner and on payment of any
7 required fee, the department shall provide either one or two license plates
8 for a vehicle for which a special plate is requested pursuant to this
9 chapter, except that the department shall provide one license plate if the
10 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle
12 and to the owner of the vehicle and the name of this state, which may be
13 abbreviated. The director shall coat the license plate with a reflective
14 material that is consistent with the determination of the license plate
15 commission established by section 28-2405 regarding the color and design of
16 license plates and special plates as prescribed by section 28-2405. The
17 director shall design the license plate and the letters and numerals on the
18 license plate to be of sufficient size to be plainly readable during daylight
19 from a distance of one hundred feet. In addition to the standard license
20 plate issued for a trailer before August 12, 2005, the director shall issue a
21 license plate for trailers that has a design that is similar to the standard
22 size license plate for trailers but that is the same size as the license
23 plate for motorcycles. The trailer owner shall notify the department which
24 size license plate the owner wants for the trailer.

25 C. Notwithstanding any other law, the department shall not contract
26 with a nongovernmental entity to purchase or secure reflective material for
27 the plates issued by the department unless the department has made a
28 reasonable effort to secure qualified bids or proposals from as many
29 individual responsible respondents as possible.

30 D. The license plate commission established by section 28-2405 shall
31 determine the color and design of the license plate. All other plates issued
32 by the department, except the plates issued pursuant to sections 28-2412,
33 28-2413, 28-2414, 28-2416 through ~~28-2430~~ 28-2433, 28-2452, 28-2453, 28-2454
34 and 28-2455 and article 14 of this chapter, shall be the same color as and
35 similar in design to the license plate as determined by the commission.

36 E. A passenger motor vehicle rented without a driver shall receive the
37 same type of license plate as issued for a private passenger motor vehicle.

38 Sec. 2. Section 28-2403, Arizona Revised Statutes, as amended by Laws
39 2008, chapter 93, section 2, is amended to read:

40 28-2403. Special plates; transfers; violation; classification

41 A. Except as otherwise provided in this article, the department shall
42 issue or renew special plates in lieu of the regular license plates pursuant
43 to the following conditions and procedures and only if the requirements
44 prescribed by this article for the requested special plates are met:

1 1. Except as provided in section 28-2416, a person who is the
2 registered owner of a vehicle registered with the department or who applies
3 for an original or renewal registration of a vehicle may submit to the
4 department a completed application form as prescribed by the department with
5 the fee prescribed by section 28-2402 for special plates in addition to the
6 registration fee prescribed by section 28-2003.

7 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
8 28-2414, 28-2416 through ~~28-2430~~ 28-2433, 28-2452, 28-2453, 28-2454 and
9 28-2455 and article 14 of this chapter, the special plates shall be the same
10 color as and similar to the design of the regular license plates that is
11 determined by the license plate commission pursuant to section 28-2351.

12 3. Except as provided in section 28-2416, the department shall issue
13 special plates only to the owner or lessee of a vehicle that is currently
14 registered, including any vehicle that has a declared gross weight, as
15 defined in section 28-5431, of twenty-six thousand pounds or less.

16 4. Except as provided in section 28-2416, the department shall charge
17 the fee prescribed by section 28-2402 for each annual renewal of special
18 plates in addition to the registration fee prescribed by section 28-2003.

19 B. Except as provided in section 28-2416, on notification to the
20 department and on payment of the transfer fee prescribed by section 28-2402,
21 a person who is issued special plates may transfer the special plates to
22 another vehicle the person owns or leases. Persons who are issued special
23 plates for hearing impaired persons pursuant to section 28-2408 and
24 international symbol of access special plates pursuant to section 28-2409 are
25 exempt from the transfer fee. If a person who is issued special plates
26 sells, trades or otherwise releases ownership of the vehicle on which the
27 plates have been displayed, the person shall immediately report the transfer
28 of the plates to the department or the person shall surrender the plates to
29 the department as prescribed by the director. It is unlawful for a person to
30 whom the plates have been issued to knowingly permit them to be displayed on
31 a vehicle except the vehicle authorized by the department.

32 C. The special plates shall be affixed to the vehicle for which
33 registration is sought in lieu of the regular license plates.

34 D. A person is guilty of a class 3 misdemeanor who:

35 1. Violates subsection B of this section.

36 2. Fraudulently gives false or fictitious information in the
37 application for or renewal of special plates or placards issued pursuant to
38 this article.

39 3. Conceals a material fact or otherwise commits fraud in the
40 application for or renewal of special plates or placards issued pursuant to
41 this article.

1 Sec. 3. Section 28-2404, Arizona Revised Statutes, is amended to read:
2 28-2404. Special organization plates: state highway fund
3 account; definitions

4 A. An organization may submit a request to the department on a form
5 prescribed by the department for a special organization plate. In the
6 request the organization may propose suggested indicia for the special
7 organization plate that are indicative of the organization. If the
8 department determines the organization meets the requirements of an
9 organization as defined in this section, the department shall submit the
10 request for a special organization plate to the license plate commission
11 established by section 28-2405.

12 B. The commission shall determine and inform the department whether
13 the requested special organization plate is authorized. The commission shall
14 authorize a special organization plate if the organization meets the
15 following requirements:

16 1. The primary activity or interest of the organization serves the
17 community, contributes to the welfare of others and is not offensive or
18 discriminatory in its purpose, nature, activity or name.

19 2. The name of the organization or any part of the organization's
20 purpose does not promote any specific product or brand name that is provided
21 for sale.

22 3. The purpose of the organization does not promote a specific
23 religion, faith or antireligious belief.

24 C. If the commission authorizes the special organization plate
25 pursuant to subsection B of this section, section 28-2403 and the following
26 requirements and procedures apply:

27 1. The department shall inform the organization of the authorization
28 by the commission of the requested special organization plate and the
29 requirements of this subsection.

30 2. The organization shall collect and hold applications from its
31 members and the required fees for the special organization plates.

32 3. The organization shall refund all fees to applicants if the
33 department refunds the fees to the organization.

34 4. The organization shall submit the applications and fees to the
35 department by January 1 of any calendar year.

36 5. The department shall design and issue the requested special plate
37 within one year after receiving the applications and fees if the department
38 determines that both of the following apply:

39 (a) The applicants are qualified for the requested special plate.

40 (b) The monies paid for the plates are available to the state.

41 D. The determination of the commission of whether to authorize a
42 special organization plate and of the department of whether to issue a
43 special organization plate as required by this section is not subject to the
44 rule making provisions of title 41, chapter 6. The department shall file
45 with the secretary of state a document for publication in the administrative

1 code with the department's rules that names each special organization plate
2 that is authorized and issued pursuant to this section.

3 E. Monies collected pursuant to this section shall be deposited in a
4 separate account of the state highway fund pending the determination required
5 by subsection C, paragraph 5 of this section. The department shall deposit,
6 pursuant to sections 35-146 and 35-147, **IN THE STATE HIGHWAY FUND ACCOUNT** the
7 fees received with applications for each special organization plate ~~in the~~
8 ~~state highway fund account~~. The department shall use the monies in the
9 account to provide refunds to an organization if special organization plates
10 are not issued. Monies in the account that are not refunded shall be
11 deposited as required by law.

12 F. Eight dollars of the fee prescribed in section 28-2402 for original
13 special plates and the renewal of special plates issued under this section is
14 a special plate administration fee and seventeen dollars is an annual
15 donation to the organization. If the fees are not refunded and the special
16 plates are issued pursuant to this section, the department shall retain the
17 special plate administration fees in the state highway fund established by
18 section 28-6991 to cover administration costs and shall transmit the
19 donations as authorized in a written resolution of the organization.

20 **G. THE DIRECTOR SHALL ALLOW A REQUEST FOR A SPECIAL ORGANIZATION PLATE**
21 **TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES IF THE**
22 **ORGANIZATION MAKES THE REQUEST AND PAYS THE DEPARTMENT THE MONIES NECESSARY**
23 **AS DETERMINED BY THE DEPARTMENT TO COVER THE DEPARTMENT'S COSTS TO IMPLEMENT**
24 **THE COMBINATION. THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR**
25 **AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO**
26 **THE FEES REQUIRED FOR THE ORGANIZATION SPECIAL PLATE. AFTER RECEIVING A**
27 **REQUEST FROM AN ORGANIZATION TO ALLOW FOR A COMBINATION OF THE SPECIAL**
28 **ORGANIZATION PLATE WITH PERSONALIZED SPECIAL PLATES, THE DEPARTMENT SHALL**
29 **PROVIDE TO THE JOINT LEGISLATIVE BUDGET COMMITTEE A DETAILED WRITTEN**
30 **STATEMENT OF THE IMPLEMENTATION COSTS OF THE COMBINATION.**

31 ~~G.~~ H. For the purposes of this section:

32 1. "Commission" means the license plate commission established by
33 section 28-2405.

34 2. "Organization" means an entity that is organized as a nonprofit
35 corporation pursuant to title 10, chapters 24 through 40 and that either:

36 (a) Certifies to the department that the organization has at least two
37 hundred members.

38 (b) If the organization has fewer than two hundred members, agrees to
39 pay the production and program costs of the special organization plate as
40 determined by the commission.

41 Sec. 4. Section 28-2405, Arizona Revised Statutes, as amended by Laws
42 2008, chapter 93, section 3, is amended to read:

43 **28-2405. License plate commission**

44 A. A license plate commission is established. The commission is
45 composed of the following members:

1 1. Two public members who are appointed by the director of the
2 department of transportation.

3 2. A person who is appointed by the governor from the governor's
4 office of highway safety and who serves at the pleasure of the governor.

5 3. The director of the department of public safety or the director's
6 designee.

7 4. The director of the department of transportation or the director's
8 designee.

9 5. The director of the office of tourism or the director's designee.

10 6. The director of the state department of corrections or the
11 director's designee.

12 B. The director of the department of transportation or the director's
13 designee shall serve as chairman of the commission. The chairman shall
14 preside at commission meetings and coordinate the activities of the
15 commission and staff implementation of commission actions.

16 C. All official actions of the commission shall be decided by a
17 majority vote of commission members.

18 D. The commission shall determine the following:

19 1. The color and design of license plates.

20 2. The color of special plates to be the same as and the design of
21 special plates to be similar to the license plates, except for special plates
22 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416 through
23 ~~28-2430~~ 28-2433, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this
24 chapter.

25 3. Whether to authorize special organization plates pursuant to
26 section 28-2404.

27 4. The indicia for special organization plates issued pursuant to
28 section 28-2404.

29 E. The department shall provide the commission with staff and
30 technical assistance as necessary to perform its functions.

31 F. Commission members are not eligible to receive compensation, but
32 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of
33 this section are eligible for reimbursement of expenses pursuant to title 38,
34 chapter 4, article 2.

35 Sec. 5. Section 28-2409, Arizona Revised Statutes, is amended to read:

36 28-2409. International symbol of access special plates;
37 placard; definitions

38 A. The department shall issue special plates bearing the international
39 symbol of access to either:

40 1. A person who is permanently physically disabled and who is an owner
41 or lessee of a motor vehicle.

42 2. An organization that owns or leases a motor vehicle that primarily
43 transports physically disabled persons.

1 B. A permanently disabled special plate issued under this section is
2 valid for as long as the person to whom the plate is issued qualifies for
3 issuance under this section.

4 C. A person who is permanently physically disabled may obtain, if
5 qualified, a permanently disabled removable windshield placard. A person who
6 is temporarily physically disabled may obtain, if qualified, a temporarily
7 disabled removable windshield placard. An organization that primarily
8 transports physically disabled persons may obtain, if qualified, a placard
9 for each of the qualified vehicles. The department shall issue only one
10 valid placard to a temporarily or permanently physically disabled applicant,
11 except to replace a lost, stolen or mutilated placard or if the department
12 determines, on receiving the applicant's written request, that the needs of
13 the applicant are such that two valid placards are required. The department
14 shall issue a placard pursuant to this section at no additional charge.

15 D. A permanently disabled removable windshield placard issued or
16 renewed under this section is valid for five years. A temporarily disabled
17 removable windshield placard issued or renewed under this section is valid
18 for a period of time as determined by the department. A person who desires
19 to obtain a temporarily disabled removable windshield placard for an
20 additional period of time shall submit a new application.

21 E. A person or organization that desires to obtain a permanently
22 disabled or temporarily disabled removable windshield placard or
23 international symbol of access special plates shall submit an application to
24 the department on a form furnished by the department that contains one of the
25 following:

26 1. If a permanently or temporarily disabled person, a certificate
27 completed by a hospital administrator, an authorized physician or a
28 registered nurse practitioner that certifies that the applicant is physically
29 disabled.

30 2. If an organization, a signed statement by an authorized officer of
31 the organization affirming that the registered vehicle that is owned or
32 leased by the organization and that will display the placard or the
33 international symbol of access special plates primarily transports physically
34 disabled persons.

35 F. On receipt of the application containing the medical certificate or
36 signed statement, if the department finds that the applicant qualifies for
37 the parking privileges pursuant to chapter 3, article 14 of this title, the
38 department shall issue the placard or international symbol of access special
39 plates.

40 G. A person or an organization desiring to renew a permanently
41 disabled removable windshield placard shall submit an application to the
42 department containing one of the following:

1 1. If a permanently disabled person, a signed statement by the person
2 that is witnessed by a department agent or notary public, that requests the
3 renewal of the placard and that affirms that the person is physically
4 disabled.

5 2. If an organization, a signed statement by an authorized officer of
6 the organization affirming that the registered vehicle that is owned or
7 leased by the organization and that will display the placard primarily
8 transports physically disabled persons.

9 H. The placard or international symbol of access special plates shall
10 be displayed on or in the motor vehicle in the manner prescribed by the
11 department.

12 I. A request for special plates issued under this section may be
13 combined with a request for an honored military license plate issued under
14 article 13 of this chapter, [A SPECIAL ORGANIZATION PLATE ISSUED UNDER SECTION](#)
15 [28-2404](#) or any other special plate. The department shall prescribe the form
16 for the request. The request is subject to payment of only the fee required
17 for the honored military license plate, [SPECIAL ORGANIZATION PLATE](#) or other
18 special plate and is not subject to any other special plate fee under section
19 28-2402. An international symbol of access special plate that is combined
20 with an honored military license plate, [A SPECIAL ORGANIZATION PLATE](#) or any
21 other special plate is not a personalized special plate under section
22 28-2406.

23 J. For the purposes of this section:

24 1. "Authorized physician" means a doctor of medicine, osteopathy,
25 podiatry or chiropractic licensed to practice medicine in this state or
26 another state or authorized by the United States government to practice
27 medicine.

28 2. "Permanently disabled removable windshield placard" means a
29 two-sided, hooked placard that includes on each side all of the following:

30 (a) The international symbol of access that is at least three inches
31 in height, that is centered on the placard and that is white on a blue
32 shield.

33 (b) An identification number.

34 (c) An expiration date.

35 (d) The seal or other identification of the issuing authority.

36 3. "Physically disabled person" means a person who, as determined by a
37 hospital administrator or authorized physician, meets any of the following
38 conditions:

39 (a) Cannot walk two hundred feet without stopping to rest.

40 (b) Cannot walk without the use of or assistance from any brace, cane,
41 crutch, other person, prosthetic device, wheelchair or other assistive
42 device.

1 (c) Is restricted by lung disease to such an extent that the person's
2 forced respiratory, expiratory volume for one second, if measured by
3 spirometry, is less than one liter, or the arterial oxygen tension is less
4 than sixty mm/Hg on room air at rest.

5 (d) Uses portable oxygen.

6 (e) Has a cardiac condition to the extent that the person's functional
7 limitations are classified in severity as class III or class IV according to
8 standards set by the American heart association.

9 (f) Is severely limited in the person's ability to walk due to an
10 arthritic, neurological or orthopedic condition.

11 4. "Temporarily disabled removable windshield placard" means a
12 two-sided, hooked placard that includes on each side all of the following:

13 (a) The international symbol of access that is at least three inches
14 in height, that is centered on the placard and that is white on a red shield.

15 (b) An identification number.

16 (c) A date of expiration.

17 (d) The seal or other identification of the issuing authority.

18 Sec. 6. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
19 amended by adding section 28-2433, to read:

20 28-2433. Arizona masonic fraternity special plates

21 A. IF, BY DECEMBER 31, 2008, THIRTY-TWO THOUSAND DOLLARS IS PAID TO
22 THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION, THE DEPARTMENT SHALL
23 ISSUE ARIZONA MASONIC FRATERNITY SPECIAL PLATES. THE ENTITY THAT PROVIDES
24 THE THIRTY-TWO THOUSAND DOLLARS SHALL DESIGN THE ARIZONA MASONIC FRATERNITY
25 SPECIAL PLATES. THE DESIGN AND COLOR OF THE ARIZONA MASONIC FRATERNITY
26 SPECIAL PLATES ARE SUBJECT TO THE APPROVAL OF THE DEPARTMENT. THE DIRECTOR
27 MAY ALLOW A REQUEST FOR ARIZONA MASONIC FRATERNITY SPECIAL PLATES TO BE
28 COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR
29 ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE
30 DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN
31 ADDITION TO THE FEES REQUIRED FOR THE ARIZONA MASONIC FRATERNITY SPECIAL
32 PLATES.

33 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
34 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
35 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

36 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
37 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
38 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
39 SECTION IN THE ARIZONA MASONIC FRATERNITY SPECIAL PLATE FUND ESTABLISHED BY
40 SUBSECTION D OF THIS SECTION.

41 D. THE ARIZONA MASONIC FRATERNITY SPECIAL PLATE FUND IS ESTABLISHED
42 CONSISTING OF MONIES RECEIVED PURSUANT TO THIS SECTION. THE DIRECTOR SHALL
43 ADMINISTER THE FUND. THE FIRST THIRTY-TWO THOUSAND DOLLARS RECEIVED SHALL BE
44 REIMBURSED TO THE ENTITY THAT PAID THE IMPLEMENTATION FEE TO THE DEPARTMENT
45 PURSUANT TO SUBSECTION A OF THIS SECTION. NOT MORE THAN TEN PER CENT OF

1 MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED FOR THE COST OF
2 ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.
3 THE DIRECTOR SHALL ANNUALLY ALLOCATE ALL MONIES FROM THE FUND, EXCLUDING
4 ADMINISTRATIVE FEES, TO AN ENTITY THAT WAS ESTABLISHED IN 1882, THAT IS THE
5 SUPREME MASONIC POWER AND AUTHORITY IN THIS STATE AND THAT IS QUALIFIED UNDER
6 SECTION 501(c)(10) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL
7 INCOME TAX PURPOSES. THE TRUSTEES OF THE ENTITY RECEIVING THE MONIES SHALL
8 FURTHER DISTRIBUTE THE MONIES TO STATEWIDE CHARITIES THAT ARE SUPPORTED BY
9 ARIZONA MASONS AND THAT ARE QUALIFIED UNDER SECTION 501(c)(3) OF THE UNITED
10 STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES.

11 E. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND
12 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED
13 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

14 Sec. 7. Section 28-6501, Arizona Revised Statutes, as amended by Laws
15 2008, chapter 93, section 5, is amended to read:

16 28-6501. Definition of highway user revenues

17 In this article, unless the context otherwise requires or except as
18 otherwise provided by statute, "highway user revenues" means all monies
19 received in this state from licenses, taxes, penalties, interest and fees
20 authorized by the following:

21 1. Chapters 2, 7, 8 and 15 of this title, except for:

22 (a) The special plate administration fees prescribed in sections
23 28-2404, 28-2412 through ~~28-2430~~ 28-2433 and 28-2514.

24 (b) The donations prescribed in sections 28-2404, 28-2412 through
25 28-2415, 28-2417 through ~~28-2430~~ 28-2433, 28-2453, 28-2454 and 28-2455.

26 2. Chapters 10 and 11 of this title.

27 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided
28 in sections 28-5926 and 28-5927.

29 Sec. 8. Section 28-6991, Arizona Revised Statutes, as amended by Laws
30 2008, chapter 93, section 6, is amended to read:

31 28-6991. State highway fund: sources

32 A state highway fund is established that consists of:

33 1. Monies distributed from the Arizona highway user revenue fund
34 pursuant to chapter 18 of this title.

35 2. Monies appropriated by the legislature.

36 3. Monies received from donations for the construction, improvement or
37 maintenance of state highways or bridges. These monies shall be credited to
38 a special account and shall be spent only for the purpose indicated by the
39 donor.

40 4. Monies received from counties under cooperative agreements,
41 including proceeds from bond issues. The state treasurer shall deposit these
42 monies to the credit of the fund in a special account on delivery to the
43 treasurer of a concise written agreement between the department and the
44 county stating the purposes for which the monies are surrendered by the
45 county, and these monies shall be spent only as stated in the agreement.

1 5. Monies received from the United States under an act of Congress to
2 provide aid for the construction of rural post roads, but monies received on
3 projects for which the monies necessary to be provided by this state are
4 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
5 shall be allotted by the department and deposited by the state treasurer in
6 the special account within the fund established for each project. On
7 completion of the project, on the satisfaction and discharge in full of all
8 obligations of any kind created and on request of the department, the
9 treasurer shall transfer the unexpended balance in the special account for
10 the project into the state highway fund, and the unexpended balance and any
11 further federal aid thereafter received on account of the project may be
12 spent under the general provisions of this title.

13 6. Monies in the custody of an officer or agent of this state from any
14 source that is to be used for the construction, improvement or maintenance of
15 state highways or bridges.

16 7. Monies deposited in the state general fund and arising from the
17 disposal of state personal property belonging to the department.

18 8. Receipts from the sale or disposal of any or all other property
19 held by the department and purchased with state highway monies.

20 9. Monies generated pursuant to section 28-410.

21 10. Monies distributed pursuant to section 28-5808, subsection B,
22 paragraph 2, subdivision (d).

23 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

24 12. Except as provided in section 28-5101, the following monies:

25 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
26 subsection B, paragraph 2, subdivision (e).

27 (b) One dollar of each registration fee and one dollar of each title
28 fee collected pursuant to section 28-2003.

29 (c) Two dollars of each late registration penalty collected by the
30 director pursuant to section 28-2162.

31 (d) The air quality compliance fee collected pursuant to section
32 49-542.

33 (e) The special plate administration fees collected pursuant to
34 sections 28-2404, 28-2412 through ~~28-2430~~ 28-2433 and 28-2514.

35 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
36 if the director is the registering officer.

37 13. Monies deposited pursuant to chapter 5, article 5 of this title.

38 14. Donations received pursuant to section 28-2269.

39 15. Dealer and registration monies collected pursuant to section
40 28-4304.

41 16. Abandoned vehicle administration monies deposited pursuant to
42 section 28-4804.

43 17. Monies deposited pursuant to section 28-710, subsection D,
44 paragraph 2.

45 18. Donations deposited pursuant to section 28-2430.

1 Sec. 9. Section 28-6993, Arizona Revised Statutes, as amended by Laws
2 2008, chapter 93, section 7, is amended to read:

3 28-6993. State highway fund; authorized uses

4 A. Except as provided in subsection B of this section and section
5 28-6538, the state highway fund shall be used for any of the following
6 purposes in strict conformity with and subject to the budget as provided by
7 this section and by sections 28-6997 through 28-7003:

8 1. To pay salaries, wages, necessary travel expenses and other
9 expenses of officers and employees of the department and the incidental
10 office expenses, including telegraph, telephone, postal and express charges
11 and printing, stationery and advertising expenses.

12 2. To pay for both:

13 (a) Equipment, supplies, machines, tools, department offices and
14 laboratories established by the department.

15 (b) The construction and repair of buildings or yards of the
16 department.

17 3. To pay the cost of both:

18 (a) Engineering, construction, improvement and maintenance of state
19 highways and parts of highways forming state routes.

20 (b) Highways under cooperative agreements with the United States that
21 are entered into pursuant to this chapter and an act of Congress providing
22 for the construction of rural post roads.

23 4. To pay land damages incurred by reason of establishing, opening,
24 altering, relocating, widening or abandoning portions of a state route or
25 state highway.

26 5. To reimburse the department revolving account.

27 6. To pay premiums on authorized indemnity bonds and on compensation
28 insurance under the workers' compensation act.

29 7. To defray lawful expenses and costs required to administer and
30 carry out the intent, purposes and provisions of this title, including
31 repayment of obligations entered into pursuant to this title, payment of
32 interest on obligations entered into pursuant to this title, repayment of
33 loans and other financial assistance, including repayment of advances and
34 interest on advances made to the department pursuant to section 28-7677, and
35 payment of all other obligations and expenses of the board and department
36 pursuant to chapter 21 of this title.

37 8. To pay lawful bills and charges incurred by the state engineer.

38 9. To acquire, construct or improve entry roads to state parks or
39 roads within state parks.

40 10. To acquire, construct or improve entry roads to state prisons.

41 11. To pay the cost of relocating a utility facility pursuant to
42 section 28-7156.

43 12. For the purposes provided in subsections C, D and E of this section
44 and sections 28-1143, 28-2353 and 28-3003.

1 B. For each fiscal year, the department of transportation shall
2 allocate and transfer monies in the state highway fund to the department of
3 public safety for funding a portion of highway patrol costs in eight
4 installments in each of the first eight months of a fiscal year that do not
5 exceed ten million dollars.

6 C. Subject to legislative appropriation, the department may use the
7 monies in the state highway fund as prescribed in section 28-6991,
8 paragraph 12 to carry out the duties imposed by this title for registration
9 or titling of vehicles, to operate joint title, registration and driver
10 licensing offices, to cover the administrative costs of issuing the air
11 quality compliance sticker, modifying the year validating tab and issuing the
12 windshield sticker and to cover expenses and costs in issuing special plates
13 pursuant to sections 28-2404, 28-2412 through ~~28-2430~~ 28-2433 and 28-2514.

14 D. The department shall use monies deposited in the state highway fund
15 pursuant to chapter 5, article 5 of this title only as prescribed by that
16 article.

17 E. Monies deposited in the state highway fund pursuant to section
18 28-2269 shall be used only as prescribed by that section.

19 F. Monies deposited in the state highway fund pursuant to section
20 28-710, subsection D, paragraph 2 shall only be used for state highway work
21 zone traffic control devices.

22 G. The department may exchange monies distributed to the state highway
23 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
24 government surface transportation program federal monies suballocated to
25 councils of government and metropolitan planning organizations if the local
26 government scheduled to receive the federal monies concurs. An exchange of
27 state highway fund monies pursuant to this subsection shall be in an amount
28 that is at least equal to ninety per cent of the federal obligation authority
29 that exists in the project for which the exchange is proposed.